

Appl. No. 10/025,059
Docket No. 8819
Amdt. dated February 13, 2008
Reply to Office Action mailed on May 25, 2007
Customer No. 27752

REMARKS

Applicants thank Examiner Kidwell for her time spent interviewing this case on January 30, 2008. Amanda Barry and Examiner Kidwell discussed proposed claim amendments that the Examiner agreed would read over Uitenbroek. Examiner Kidwell noted that further searching and consideration would have to be done.

Claim Status

Claims 1, 4-9, and 14 are cancelled without prejudice. Claims 2-3, 10-13, 15-17, and 19 were cancelled in the amendment of October 24, 2007. New claims 20-79 are added.

Support for new claims 20-79 can be found in the specification, at, for example, page 2, line 20; page 2, line 27, to page 3, line 14; page 3, line 17; page 4, lines 7-10 and 14-21; page 5, lines 23-27; and the Figures.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Rejection Under 35 USC §102(b) Over Uitenbroek et al. (US 5,897,541)

Claims 1 and 9-17 have been rejected under 35 USC §102(b) as being anticipated by Uitenbroek et al. (US 5,897,541). This rejection is respectfully traversed. Claims 1 and 9-17 have been cancelled. New claims 20-79 have been added.

In order for a reference to anticipate a claim, each and every element of the claim must be found in the reference. M.P.E.P. 2131. Applicants respectfully submit that Uitenbroek does not teach or suggest an absorbent article having a colored portion having a first shade and a second shade on a same layer of the absorbent article, the first shade and the second shade being the same color, the color being orange, green, blue, violet, or indigo, wherein the second shade is different from the first shade in lightness, darkness, and/or tone. Applicants further submit that Uitenbroek does not teach or suggest an absorbent article having a colored portion and a non-colored portion, the colored portion having a first shade and a second shade on a same layer of the absorbent article, the first shade and the second shade being the same color that is a different color from the non-

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colored portion, wherein the second shade is different from the first shade in lightness, darkness, and/or tone. As such, withdrawal of the rejection under 35 U.S.C. §102(b) over Uitenbroek is respectfully requested.

Rejection Under 35 USC §103(a) Over Uitenbroek et al. (US 5,897,541)

Claims 2-8 and 19 have been rejected under 35 USC §103(a) as being unpatentable over Uitenbroek et al. (US 5,897,541). This rejection is respectfully traversed. Claims 2-8 and 19 have been cancelled. New claims 20-79 have been added.

Applicants respectfully submit that Uitenbroek does not teach or suggest an absorbent article having a colored portion having a first shade and a second shade on a same layer of the absorbent article, the first shade and the second shade being the same color, the color being orange, green, blue, violet, or indigo, wherein the second shade is different from the first shade in lightness, darkness, and/or tone. Applicants further submit that Uitenbroek does not teach or suggest an absorbent article having a colored portion and a non-colored portion, the colored portion having a first shade and a second shade on a same layer of the absorbent article, the first shade and the second shade being the same color that is a different color from the non-colored portion, wherein the second shade is different from the first shade in lightness, darkness, and/or tone. As such, withdrawal of the rejection under 35 U.S.C. §103(a) over Uitenbroek is respectfully requested.

Conclusion

In view of the foregoing, reconsideration of this application and allowance of the pending claims are respectfully requested. The Examiner is invited to telephone Applicants' attorney at the number below with any questions or comments.

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Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By 

Signature

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Date: February 13, 2008
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